IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT:

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 21982 of 2000

Between:

M. Swamy Dass,

S/o. Thippanna,

Occupation: Conductor,

E.No. 42991, R/o. H.No.1-2-63,

Christian Colony,

Mahabubnagar.

..... PETITIONER

AND

1. A.P. State Road Transport Corporation,
   Represented by its Managing Director,
   Mushirabad,
   Hyderabad-500 020.
2. A.P. State Road Transport Corporation,
   Represented by its Depot Manager,

Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for records from the second respondent and issue an appropriate writ, order or direction, particularly one in the nature of writ of Mandamus declaring that 1) the proceedings No.01/95(98)-MBNR dated 19-7-1994 issued by the second respondent imposing punishment of deferment of annual increment for a period of one year with cumulative effect and 2) the proceedings No.P1/1(35)/95 MBNR dated 3-4-1996 imposing punishment of deferment of annual increment for a period of 18 months with cumulative effect, as illegal, unjust, contrary to law, arbitrary, in violation of principles of natural justice and violative of Articles 14, 16 and 21 of the Constitution of India and to grant all consequential benefits.

Counsel for the Petitioner: Mr. A. K. Jayaprakash Rao

Counsel for the Respondents: Mr. K. Harinath

The Court made the following order:

The petitioner questions the proceedings dated 19-7-1994 and 3-4-1996 issued by the second respondent imposing punishment of deferment of annual increment for a period of one year with cumulative effect under the first proceeding and imposing

punishment of deferment of annual increment for a period of 18 months with cumulative effect under the second proceeding.

Admittedly, the said punishments imposed on the petitioner are major punishments on the allegation of misconduct. Charge sheets have been issued to the petitioner and he denied the charges levelled against him. But, without conducting enquiry and disbelieving the explanation of the petitioner, the impugned orders have been passed imposing major penalties. Similar issue has been raised before this Court, wherein this Court held that the respondent Corporation cannot impose major punishment without conducting regular enquiry. But instead of ordering for conducting of regular enquiry at this point of time, as the petitioner is going to retire, I am of the view that if the said punishments of withholding increments are confirmed but without cumulative effect it will meet the ends of justice.

Accordingly, the punishments imposed vide orders aforesaid are modified withholding the annual increments as ordered in the said orders without cumulative effect. However, the petitioner is not entitled for arrears from the date of the said orders till date, but the petitioner is entitled for notional increments from the month starting from September, 2004.

The writ petition is disposed of accordingly. No costs.

25-8-2004

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1. A.P. State Road Transport Corporation,

Represented by its Managing Director,

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Hyderabad-500 020.

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